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EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

Directorate C – Migration & Asylum
C.3 – Asylum

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Dear Mr Verkhovych,

I refer to your complaint of 23/5/2025 submitted to the European Commission against Sweden concerning your temporary protection status.

We have taken due note of the information you provided regarding your personal circumstances. I regret to inform you that the European Commission cannot be of direct assistance in this matter, as the European Commission has no competence to intervene in individual cases unless the latter reveals a general practice of incorrect application of European Union law in the Member State concerned or relates to a problem of compliance of national legislation with European Union law. Under European Union law, decisions like these can only be taken by the national authorities of the Member States. For this reason, it is not possible for the Commission to pursue this matter.

You should resort to the national appeal instances in Sweden in case you consider that your rights have been violated. In addition, it might be helpful to contact the Swedish Refugee Law Center who may be able to provide legal assistance in your case.

However, the European Commission is of the view that regardless of whether an individual has been granted with temporary protection status, they may apply for international protection, as defined under the current acquis and both Directive 2011/95 and Directive 2013/32 are applicable to such individuals if they fulfil the criteria to be recognised as a refugee or a beneficiary of subsidiary protection status.

A similar issue relating to the Swedish Migration Agency's refusal to examine the individual parties' applications for international protection insofar as they relate to subsidiary protection is currently being examined by the Court of Justice of the European Union in case C-195/25 (in a preliminary reference raised by the Swedish Courts).

Unless we receive new information that might prove that there is an infringement or a general practice violating European Union law within four weeks of the date of this letter that could cause us to change our assessment, we will close your complaint.

Yours sincerely,

Severine WERNERT
Deputy Head of Unit

Electronically signed on 25/06/2025 13:46 (UTC+02) in accordance with Article 11 of Commission Decision (EU) 2021/2121